

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ADAM LYNCH and DEPARTMENT OF THE ARMY,  
VALLEY FORGE MILITARY ACADEMY & COLLEGE, Wayne, PA

*Docket No. 02-1267; Submitted on the Record;  
Issued March 6, 2003*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant met his burden of proof in establishing that he sustained a right ankle injury in the performance of duty.

On May 9, 2001 appellant, then a 20-year-old army cadet, filed a notice of traumatic injury alleging that on April 20, 2001 he sustained an injury to his right ankle while walking through a swamp during a training exercise. He did not submit any medical records in support of his claim. By letter dated May 31, 2001, the Office of Workers' Compensation Programs requested that appellant submit an attending physician's report from the physician who examined him as a result of the injury.

Appellant submitted emergency room reports diagnosing a sprained right ankle on April 20, 2001 and noting: "today during ROTC [Reserved Officer's Training Corps] training twisted right ankle."

By decision dated July 26, 2001, the Office denied appellant's claim since appellant did not establish that a condition was diagnosed in connection with the claimed event.

The Board finds that appellant has not met his burden in establishing that he sustained a right ankle injury in the performance of duty.

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components, which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident, which is alleged to have occurred.<sup>1</sup> The second component is whether the employment incident caused a personal injury and generally can be

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<sup>1</sup> Elaine Pendleton, 40 ECAB 1143 (1989).

established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability, claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.<sup>2</sup>

Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.<sup>3</sup>

In this case, the Office accepted on July 26, 2001 that appellant experienced the claimed event on April 20, 2001. However, the Office stated that the medical evidence did not establish that an injury was sustained in connection with the event. The Board notes that the emergency room physician on April 20, 2001 diagnosed appellant with right ankle sprain, and as such a condition was diagnosed in connection with the event.

The physician also noted "today during ROTC training twisted right ankle." This statement, however, is insufficient to establish causal relationship between appellant's right ankle sprain and the identified employment factor. Even though the physician concluded that appellant twisted his right ankle during ROTC training, he did not support his conclusion with sound medical rationale. He also did not discuss the incident on April 20, 2001 when appellant was walking through a swamp during a training exercise, lost his footing, and when he tried to regain his balance, twisted his right ankle. Appellant's burden includes providing a physician's rationalized medical opinion explaining the relationship between the diagnosed condition and his employment. The emergency room physician did not provide a rationalized medical opinion, based on a complete factual and medical background, explaining the relationship between appellant's right ankle sprain and his training exercise on April 20, 2001. The Board has found that a conclusory statement without supporting rationale is of little probative value<sup>4</sup> and is insufficient to discharge appellant's burden of proof. At the time of the Office's denial of appellant's claim on July 26, 2001, the record did not contain any medical opinion evidence supported by medical rationale, explaining the nature of the relationship between appellant's right ankle sprain and the identified employment factor.

As appellant has failed to submit any medical evidence noting his history of injury on April 20, 2001 and providing an opinion that his diagnosed right ankle sprain was caused or

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<sup>2</sup> See 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

<sup>3</sup> *James Mack*, 43 ECAB 321 (1991).

<sup>4</sup> *Marilyn D. Polk*, 44 ECAB 673 (1993).

aggravated by this injury, he has failed to meet his burden of proof and the Office properly denied his claim.

The July 26, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
March 6, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member